

**THIS DECISION HAS BEEN APPEALED. THE
FOLLOWING IS THE RELATED SOAH DECISION NUMBER:**

SOAH DOCKET NO. 453-04-2766.M4

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Medical Review Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 05/12/03.

I. DISPUTE

Whether there should be reimbursement for home care for the dates of service 04/01/02 through 07/12/02.

II. RATIONALE

Based on Commission Rule 133.307(d)(1), the only dates of service eligible for review are those commencing on 05/13/02 and extending through 07/12/02. The dates of service not eligible for review 04/01/02 and extending through 05/10/02 is past the one-year rule according to TWCC Rule 133.307 (d) (1) and will not be addressed.

The Requestor billed the Respondent \$7,100.00 for home care and the respondent made no reimbursement.

The carrier denied services as "A-no preauthorization."

According to rule 134.600(h)(i)(6) preauthorization is required for residential and home health care services. The case file contains two preauthorization denials of services dated 04/12/02 and 04/15/02.

Therefore, based on this information reimbursement is not recommended for the dates of service 05/13/02 and extending through 07/12/02.

III. FINDINGS & DECISION

The above Findings, Decision and Order are hereby issued this 30th day of December 2003.

Michael Bucklin
Medical Dispute Resolution Officer
Medical Review Division

MB/mb